

APPEAL NO. 021391
FILED JULY 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 8, 2002. The hearing officer decided that the appellant (claimant) did not sustain a compensable injury on _____, but that the respondent (carrier) is not relieved from liability due to the claimant's failure to file a claim within one year of the alleged injury. The claimant has appealed the injury determination. The carrier responds that the decision should be affirmed, and that the appeal is not timely filed so the Appeals Panel lacks jurisdiction.

DECISION

A timely appeal not having been filed with the Texas Workers' Compensation Commission (Commission), the decision of the hearing officer has become final.

The decision of the Commission was distributed on May 2, 2002. Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), the claimant is deemed to have received this decision on May 7, 2002. The appeal was due in accordance with amended Section 410.202 to be filed by May 29, 2002. However, the appeal was filed with the Commission on May 30, 2002; this is untimely and by operation of Section 410.169, the hearing officer's decision has become final.

The true corporate name of the insurance carrier is **ATLANTIC MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**FLAHIVE, OGDEN & LATSON
505 WEST 12TH STREET
P.O. DRAWER 13367
AUSTIN, TEXAS 78711.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Roy L. Warren
Appeals Judge